

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HAROLD YATES,

Plaintiff,

v.

Case No.: 2:20-cv-251-SPC-MRM

ENVISION GLASS &
ALUMINUM, RICHARD FRASER,
and BLAKE FRASER,

Defendants.

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 38](#)). Judge McCoy recommends granting the Joint Renewed Motion for Approval of FLSA Settlement Agreement ([Doc. 37](#)) and approving the revised Settlement Agreement ([Doc. 37-1](#)). No party objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence

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of specific objections, there is no requirement that a district judge review the R&R *de novo*. See *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., *Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. It thus accepts and adopts the Report and Recommendation ([Doc. 38](#)) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 38](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. The Joint Renewed Motion for Approval of FLSA Settlement Agreement ([Doc. 37](#)) is **GRANTED** and the revised Settlement Agreement ([Doc. 37-1](#)) is **APPROVED**.
3. This action is **DISMISSED with prejudice**.

4. The Clerk of Court is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida on February 8, 2022.


SHERI POLSTER CHAPPEL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record